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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2011-963

13 **BEATRICE EVELYN SWAFFORD**
14 **17530 Day Run Court**
15 **Riverside, CA 92504**

A C C U S A T I O N

16 **Registered Nurse License No. 452206**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 31, 1990, the Board of Registered Nursing issued Registered
24 Nurse License Number 452206 to Beatrice Evelyn Swafford (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on September 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof. . . .

13 REGULATORY PROVISIONS

14 10. California Code of Regulations, title 16, section 1444, states:

15 A conviction or act shall be considered to be substantially related to the
16 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

17 (a) Assaultive or abusive conduct including, but not limited to, those violations
18 listed in subdivision (d) of Penal Code Section 11160.

19 (b) Failure to comply with any mandatory reporting requirements.

20 (c) Theft, dishonesty, fraud, or deceit.

21 (d) Any conviction or act subject to an order of registration pursuant to Section
22 290 of the Penal Code.

23 11. California Code of Regulations, title 16, section 1445 states:

24

25 (b) When considering the suspension or revocation of a license on the grounds
26 that a registered nurse has been convicted of a crime, the board, in evaluating the
27 rehabilitation of such person and his/her eligibility for a license will consider the
28 following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

1 (3) The time that has elapsed since commission of the act(s) or offense(s).

2 (4) Whether the licensee has complied with any terms of parole, probation,
3 restitution or any other sanctions lawfully imposed against the licensee.

4 (5) If applicable, evidence of expungement proceedings pursuant to Section
5 1203.4 of the Penal Code.

6 (6) Evidence, if any, of rehabilitation submitted by the licensee.

7 COSTS

8 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 CAUSE FOR DISCIPLINE

13 (June 9, 2010 Criminal Conviction for Attempted Forgery)

14 13. Respondent has subjected her license to disciplinary action under sections 490 and
15 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
16 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
17 follows:

18 a. On or about June 9, 2010, in a criminal proceeding entitled *People of the State*
19 *of California v. Beatrice Evelyn Swafford*, in Los Angeles County Superior Court, case number
20 TA110254, Respondent was convicted on her plea of nolo contendere to violating Penal Code
21 section 115, subdivision (a), attempt to file a false or forged instrument, a felony. Three
22 additional counts, including forgery, counterfeit of a seal, and forging a social security card,
23 felonies, were dismissed pursuant to a plea agreement.

24 b. As a result of the conviction, on or about September 8, 2010, Respondent was
25 sentenced to five years formal probation and ordered to serve 180 days in the Los Angeles
26 County Jail, with credit for four days. Respondent was further ordered to comply with the terms
27 of felony probation, and pay restitution to the victim.

28 c. The facts that led to the conviction are that on or about November 2001,
Respondent and the victim, a coworker at the California Department of Corrections, made a

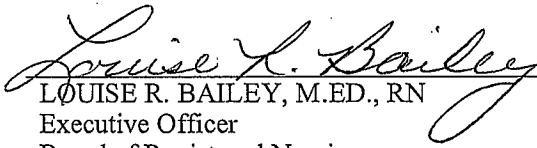
1 verbal agreement to purchase a Los Angeles area home. The victim paid one-half of the closing
2 costs. The property was purchased on December 7, 2001, and the victim's name was added to the
3 title as a joint tenant on February 28, 2002, as agreed. At some point thereafter, the two women
4 had a falling out and the victim moved out of the residence, however, she continued to pay her
5 share of the mortgage payments. Around July 2009, the victim received a call from a woman
6 ("DLC") who stated she had assisted Respondent remove the victim as a joint tenant. As part of
7 the conspiracy, Respondent and DLC obtained a fake driver's license and social security card in
8 the victim's name, and used the documents to have the grant deed notarized with DLC's
9 fingerprint. On or about October 17, 2008, Respondent waited in her car while DLC took the
10 forged documents to the Norwalk Recorder's office and filed a grant deed naming Respondent as
11 the sole owner of the property. Following an investigation, the district attorney filed a felony
12 complaint. Respondent was arrested on January 17, 2010.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 452206, issued to
17 Beatrice Evelyn Swafford;
- 18 2. Ordering Beatrice Evelyn Swafford to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.
- 22

23 DATED: 4/19/11

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LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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